



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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8-178790

August 1, 1973

Miss Lillian L. Zutz  
Authorized Certifying Officer  
National Aeronautics and Space Administration  
Lewis Research Center  
Cleveland, Ohio 44135

Dear Miss Zutz:

Reference is made to your letter of May 18, 1973, reference 1241, requesting an advance decision as to the propriety of certifying for payment certain transportation and travel expenses claimed by Mr. Bernard I. Leefer, a National Aeronautics and Space Administration (NASA) employee, in connection with his permanent change of station from Silver Spring, Maryland, to Cleveland, Ohio, effective November 30, 1971.

Mr. Leefer was issued Travel Authorization No. 2381 on November 24, 1971, which authorized, among other things, a temporary quarters allowance and separate travel for Mrs. Leefer and his family. Mr. Leefer departed his old station on November 29, 1971, via private vehicle and arrived in Cleveland, Ohio, that same date. He stayed in commercial lodging, obtaining receipts, until he moved out on December 20, 1971. Mr. Leefer says he then stayed in his 1971 Ford Econoline house-type vehicle while it was parked on the streets of Cleveland, Ohio, during the period of December 21 through December 29, 1971. He maintains he made no expenditures for lodging during this period and therefore receipts are unavailable to substantiate the fact that he did reside in his vehicle for the period here involved. You suspended payment for this period on the basis of nonavailability of receipts and a report of investigation conducted by the NASA Security Office indicating that Mr. Leefer was in a leave status from December 20, 1971, to January 7, 1972, and probably was away on a skiing trip. You request our decision as to whether payment of a temporary lodging allowance for this period is allowable in view of the facts presented.

Payment of subsistence expenses of Government employees and their immediate families while occupying temporary quarters is governed by 5 U.S.C. 5724a(a)(3) which has been implemented by section 8, Office of Management and Budget (OMB) Circular No. A-56, revised, dated August 17, 1971, which provides in pertinent part as follows:

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**8.2 Conditions and limitations for eligibility**

a. Length of time allowed and location of new official station. Subsistence expenses of the employee, for whom a permanent change of station is authorized or approved, and each member of his immediate family (defined in 1.2d), for a period of not more than 90 consecutive days while necessarily occupying temporary quarters will be allowed when the new official station is located in the 50 States, the District of Columbia, United States territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, provided a written agreement as required, in 1.5a is signed in connection with such transfer. The period of consecutive days may be interrupted to take account of the time that is allowed for travel between the old and new official stations or which is due to circumstances attributable to official necessity, as for example, an intervening temporary duty assignment.

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c. What constitutes temporary quarters. Temporary quarters refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee and/or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized.

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**8.4 Allowable amount**

a. Actual expenses allowed. Reimbursement will be only for actual subsistence expenses incurred provided these are incident to occupancy of temporary quarters and are reasonable as to amount. Allowable subsistence expenses include only charges for meals (including groceries consumed while occupying temporary quarters), lodging, fees and tips incident to meals and lodging, laundry, cleaning and pressing of clothing.

b. Itemization and receipts. The actual expenses will be itemized in a manner prescribed by the head of the agency which will permit at least a review of the amounts spent daily for (1) lodging, (2) meals, and (3) all other items of subsistence expenses. Receipts will be required at least for lodging and laundry and cleaning expenses (except when coin-operated facilities are used). \* \* \*

Under the provisions of the above-quoted regulation, a civilian employee would be entitled to reimbursement for his actual subsistence expenses, within specified limits, while staying in a privately owned vehicle equipped for such purposes. Further, our decisions have not restricted entitlement of the allowance to instances where the temporary quarters were located either at the old or new official stations. Moreover, we have held the taking of annual leave does not necessarily affect the granting of a temporary quarters subsistence allowance in the absence of any indication that the taking of annual leave caused an unwarranted extension of the period of temporary quarters allowance. See, for example, D-175594, May 31, 1972, and B-165139, October 8, 1968, copies enclosed.

In view of the foregoing, and since Mr. Leefer's family was not to join him in permanent quarters until some time in the future, his claim for meal expenses during the period December 21 to December 29, 1971, would be allowable, despite the fact he was on annual leave and may have been away from his new official duty station. See 47 Comp. Gen. 84 (1967).

You also seek advice as to how you should handle transportation and travel expenses for Mr. Leefer's family. The record indicates Mr. Leefer originally submitted a travel worksheet claiming his son and daughter drove separate cars on May 31 and June 2, 1972, respectively, from the University of Maryland, College Park, Maryland, where they were students, to Cleveland, Ohio. You advised Mr. Leefer that you could only allow travel expenses as though both children had traveled in the same car. He thereupon withdrew this worksheet and subsequently stated these trips for his son and daughter were visits to Cleveland instead of transportation incident to his transfer.

Mr. Leefer's travel voucher of November 13, 1972, included his own travel via private automobile at 6 cents per mile on November 29, 1971, and his wife's travel via private automobile at 6 cents per mile on March 30, 1972. That voucher did not include a claim for reimbursement

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of the cost of his children's travel. Subsequently, Mr. Leefer submitted a claim for air travel on April 15, 1973, from Washington, D.C., to Cleveland, Ohio, by his daughter. He has not as yet submitted a claim for his son's travel.

Based on the facts set forth above, you have submitted the following questions:

Is the initial trip from the old duty station to the new duty station to be considered the trip payable for dependents on a change of station, or can it be considered a visit? If it can be considered a visit, then how is it determined which trip is to be paid for as transportation? If the initial trip is to be considered the trip payable as transportation, then shouldn't Mr. Leefer's son and daughter have traveled together and also what would be the subsistence to be paid?

A review of section 2.3 of OMB Circular No. A-56 reveals this regulation contemplates that dependents will, whenever possible, accompany the employee when he travels to report to his new official station. However, section 2.3e(1)(c) permits travel of dependents in separate automobiles if their travel is delayed for an acceptable compelling reason. In answer to your first and second questions we see no valid reason why the initial trip by the dependents to the new station should not be considered the travel for which reimbursement may be claimed to the exclusion of subsequent trips.

With regard to your third question we note that Mr. Leefer's travel orders authorized the family to travel separately by private automobile at a later date as permitted by section 2.3a, OMB Circular No. A-56. Mrs. Leefer traveled under this authorization on March 30 and 31, 1972, and Mr. Leefer has received reimbursement therefor. Subsequently, the Leefer's son and daughter traveled by separate private automobiles from College Park, Maryland, to Cleveland, Ohio, on May 31 and June 2, 1972, respectively. Inasmuch as the travel orders authorized the use of more than one automobile, the mileage rates prescribed by section 2.3b, OMB Circular No. A-56 may be applied to that travel. However, since the semester ended on June 2, 1972, it is apparent that both children could have traveled together in one automobile. See, for example, B-165838, January 17, 1969, and B-165697, January 9, 1969, copies enclosed. The

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rules applicable to the use of separate automobiles as prescribed in section 2.3e of Circular No. A-56 do not permit reimbursement to be made for use of separate automobiles if such use is purely for the convenience of the employee or his family. Accordingly, reimbursement for this travel should be at the mileage rate determined under 2.3e(3), or 8 cents per mile, for the usually traveled route between the old and new stations as if Mr. Leefer's children had traveled together.

Pursuant to section 2.2b(2), OMB Circular No. A-56, Mr. Leefer is entitled to reimbursement of per diem incident to the travel of his son and daughter at three-fourths of the per diem rate applicable to the employee's travel.

Reimbursement of Mr. Leefer should be in accordance with the foregoing.

Sincerely yours,

Paul S. Leahy

For the Comptroller General  
of the United States